IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 350 OF 2007

1. Nilesh Sitaram Shinde

2. Sitaram Ranu Shinde ..Applicants.

V/s

State of Maharashtra ..Respondent

Mr. Imtiyaz Patel, Advocate for the applicants.

Ms. R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 5TH FEBRUARY, 2007.

P.C.

. Heard Mr. Imtiyaz Patel, learned Counsel for the applicants and Ms. Rajashree Gadhvi, learned A.P.P. for the State. The applicants seek anticipatory bail in Crime No.801/2006, registered at DLF Police Station, Dist. Gurgaon, State of Haryana for the offences punishable under Sections 115, 116, 363, 366, 511,323, 504 and 506 of Indian Penal Code.

2. The prosecution case, in brief, is that applicant No.1 had kidnapped Kum. Ruchita, daughter of first informant Sanjeev Kumar Chavan in April, 2006.

The girl was just aged thirteen and half years. Applicant No.2 is father of applicant No.1. In spite of having assured to the father of the girl, she was not returned to her parents' place immediately. However, Later on the girl was returned to her parents. According to the applicants, there was love affair between the girl and applicant No.1. In view of the fact that the girl was just thirteen and half years old, her consent was absolutely irrelevant and prima facie serious offence of kidnapping minor girl was committed by applicant No.1. Offence is registered by police station at Gurgaon in Haryana State and applicants are required to be arrested by that police. Therefore, it will not be desirable to grant anticipatory bail to applicant No.1. However, as far as applicant No.2 is concerned, it appears that he himself is not responsible for kidnapping. The learned Additional Public Prosecutor also has no serious objection to grant protection to him for a limited period so that he may appear before Gurgaon Court and seek the appropriate directions.

3. In view of the above circumstances, the application for anticipatory bail to the extent of

applicant No.1 Nilesh Sitaram Shinde stands rejected. However, applicant No.2 Sitaram Ranu Shinde is granted anticipatory bail in the sum of Rs. 20,000/- with surety in like amount, in case of his arrest, for a period of two weeks from this date. On or before expiry of two weeks, the applicant No.2 shall appear before the competent Court having jurisdiction and seeks appropriate directions.

4. Application stands disposed off.

. All concerned parties to act on the copy of this order duly authenticated.

(J.H. BHATIA, J.)